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NATIONAL SOVEREIGNTY*

THE growth and development of our country and its marvelous progress in every direction have been dwelt upon so constantly in what our critics characterize as a spirit of boastfulness and overweening national self-conceit, that almost any reference to this stupendous theme seems trite and commonplace.

If we compare our country as it existed when the Federal Constitution was adopted, in extent of territory, in population and in wealth, with our present situation, the retrospect is astounding and overwhelming.

It is not my purpose to rehearse the epic story of this mighty nation, inspiring and exalting as it is.

I desire only as the basis for what I have to say to you today, to refer briefly to certain tendencies which have marked our growth and development and which, while they have not escaped the attention of statesmen and lawyers, have not been allowed that full expression in our political and governmental system to which they are undoubtedly entitled, and which inevitably they will yet command.

Society and nations, like individuals, have a certain organic growth and development. This can not be wholly defeated though it may be fettered and, to some extent, restrained by written constitutions and the institutions of government thus ordained, if they be not wisely written and justly established.

Our society, our business and all their agencies have, in obedience to a natural law as inexorable as the law of gravitation, tended to centralization; and the same influences have developed a centralization and concentration of power in the general government such as the fathers of the Republic never dreamed of.

*The Annual Address delivered before the Bar Association of Kansas, on January 27th, 1909, by S. S. Gregory of the Chicago Bar.

There are no steps backward; *nulla vestigia retrorsum.* Yet this is not necessarily to say that the provisions of our national and organic law have been strained and distorted from their original meaning to meet the exigencies and emergencies of a later day and time.

It is significant that our population, in the beginning three millions, is now over eighty millions. It is more significant that we have one city which now contains a population larger by fifty per cent than that of all the original thirteen states.

It is significant that our territorial extent was then limited to a few colonies on the Atlantic seaboard extending a comparatively short distance into the interior, and that it now extends from the Atlantic to the Pacific, and, by recent additions, includes not only Alaska but an island empire of great extent and considerable population.

It is more significant that when Thomas Jefferson was President, his journey from the historic plantation of Monticello to the city of Washington occupied perhaps a longer time and was attended with far greater difficulties than is today a trip from New York to San Francisco; while every day the important events occurring throughout the country are, by a comprehensive system of news gathering and publication, brought to the attention of every citizen.

In all matters of transportation and means of communication, in the centralization of population and of business, the world has changed more since the adoption of the Federal Constitution than it did in all the previous history of recorded time. We of the present age cannot realize these changes though they have been often rehearsed. When we reflect upon them and their effect upon our national life, it is a miracle that the Federal Constitution has so fully met our necessities and with so few changes, the most radical and important of which grew out of the abolition of slavery, and the changes in the relation of the states to the general government suggested by the Civil War.

It is not to be wondered at, therefore, that when we survey the course of legislation and of judicial exposition, we see a slow and cautious but never ceasing progress towards a broader, more comprehensive and more fundamental assertion of national power.

In spite of a written constitution, in the face of a steady and powerful opposition based largely on the faith in local self-government ingrained in the English-speaking race, the progress has been all in one direction.

The founders of our government were ordaining a constitution;

they were not adopting a code of municipal law. The permanency of that government could only be secured, and its adaptability to future conditions made possible, as John Marshall well said, by marking its great outlines and designating its important objects.

In the course of an interesting and original paper read by Judge CHARLES F. AMIDON of North Dakota before the American Bar Association, at its meeting at Portland in August, 1907, the learned writer discussed at some length, and, I think, amply vindicated the right of the Courts to expound constitutional law in the light of existing conditions; and having quoted Judge THOMAS M. COOLEY of Michigan in support of the conventional view as to constitutional inflexibility, he gave what the same learned author has said in his History of Michigan, as follows:

"No instrument can be the same in meaning today and forever and in all men's minds. As the people change so does their written constitution change also. They see it in new lights and with different eyes; events may have given unexpected illumination to some of its provisions, and what they read one way before, they read a very different way now. * * * We may think we have the constitution all before us, but for practical purposes the constitution is that which the government in its several departments, and the people in the performance of their duties as citizens, recognize and respect as such, and nothing else is. Cervantes says: 'Every one is the son of his own work.' This is more emphatically true of an instrument of government than it can possibly be of a natural person. What it takes to itself, though at first unwarrantable, helps to make it over into a new instrument of government, and it represents at last the acts done under it." Judge AMIDON added this suggestive comment: "If we accept the notion that our constitution is absolutely rigid and changeless, our government becomes a kind of legal Calvinism, logically perfect perhaps but wholly unfit for life. The national growth would be cramped and arrested and confined to a purely historic mould. The dead hand of the past is oppressive when laid upon property, but becomes the worst form of tyranny when laid upon the powers of government."

It is to the grant of power to regulate commerce contained in the Federal Constitution to which many of the modern claims of extended power in the national legislature are referred. If it be true that comprehended within this power is the right to regulate the instrumentalities of commerce, it is equally true that as these instrumentalities by the introduction of steam power and electricity have radically and entirely changed since the adoption of the con-

stitution, this grant of power does not mean precisely and exactly what it did when the constitution was adopted. This is not to say that the intent of the framers of that instrument is thus defeated or altered. As profound students of government, they cannot be supposed to have been ignorant of the great truth that nothing is more certain and inevitable than change. Today is not as yesterday and never can be; and while these great men can hardly be presumed to have foreseen, or even faintly to have anticipated, those unifying influences which during the last century through facility of intercourse and communication have developed this country into one nation in a sense that was absolutely and physically impossible in their day, they most undoubtedly intended, in marking out the great outlines of government, to draw them upon a scale of magnitude adequate to the fullest possible expansion and development of national growth and national power.

In his great address before the American Bar Association on the March of the Constitution, that distinguished lawyer and eloquent orator, Col. George R. Peck, well said:

"The National Constitution, under the guidance of our great court of last resort, has grown and developed, not perhaps like an unwritten one, but still keeping abreast with the demands of progressive history. This does not mean that a written constitution grows by being violated whenever its provisions stand in the way of national progress; but it does mean that our Constitution was, by the enlightened foresight of its framers, made to be an intelligent guide and chart, not a mere list of obstacles."

So the Constitution must be construed in the illuminating light of present conditions; thus its framers intended. They did not intend that it should be a bed of Procrustes upon which the nation should be laid, and stretched, or hewed and mangled as the case might be, to fit its iron and resistless frame.

No part of our constitutional history is more interesting to the lawyer and the statesman than that which deals with the progressive exposition of the commerce clause. On these, and indeed all related topics, the expressions of JOHN MARSHALL are authoritative and prophetic.

In *M'Culloch* v. *Maryland*,[1] referring to the Federal government, he said: "This government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it, would seem too apparent to have required to be enforced by all those arguments which its enlightened friends,

[1] 4 Wheat. 316.

while it was depending before the people, found it necessary to urge. That principle is now universally admitted, but the question respecting the extent of the powers actually granted is perpetually arising and will probably continue to arise as long as our system shall exist."

And in discussing the nature of the power granted by this clause of the Constitution, in *Gibbons* v. *Ogden*,[2] he said: "It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several states is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

When our government was founded railroads were unknown and, for many years after they were constructed, quite generally they were small and comparatively inconsiderable enterprises; many, if not most of them, commencing and ending in a single state. Now, the enormous railway mileage of this country is divided into a few groups which are separately controlled by allied interests; and every railroad is engaged in interstate commerce.

Something over a generation ago, the states of the West passed many statutes in the effort to regulate railway rates; these acts were generally classified as Granger legislation. The effort was made to regulate the charges for carriage within the borders of the state. The first case decided by a Federal court, so far as I know, was the case of *Piek* v. *The Railways*, in which the opinion of the court was orally announced July 4th, 1874, at Madison, Wisconsin, by Mr. Justice DAVIS, with whom sat Judge DRUMMOND and Judge HOPKINS. In that case it was contended that the state, as to interstate shipments, could not prescribe the rates for carriage within the state; but this contention was for the time being rejected by the Circuit Court, and on appeal the decision was affirmed. The opinion in that case, however, was meagre. At the same time a large number of other cases, involving similar questions, were pending in the Supreme Court of the United States, and the views of the court on

[2] 9 Wheat. 1, 196, 197.

the fundamental questions involved were fully expressed in the opinion written by the Chief Justice in the historic case of *Munn* v. *Illinois*.[3]

It was there denied that the legislation of Illinois in question so far affected interstate commerce as to invade the domain of national power; and so it seemed to be settled that, notwithstanding the paramount authority of Congress in this field, the states might exercise a measure of sovereignty in it until Congress acted.

That precise question, however, arose again in *Wabash Railway* v. *Illinois*.[4] The opinion of the court was written by Mr. Justice MILLER, and while accepting his full share of responsibility for the views theretofore expressed by the court on this topic, he there declared that they were erroneous, and that an act of the Legislature of Illinois could not constitutionally regulate, in any way, the charge to be made by a railway company for carriage from a point in Illinois to a point beyond the boundary of that state.

This seems to us now to be a simple proposition. This case definitely and finally settled the rule on this subject. This was rightly settled because the conclusion reached was strictly in harmony with the tendencies of our society and our civilization.

Without stopping to refer to subsequent discussions it should be noted that in the recent litigation as to the validity of the Employer's Liability Act, passed by Congress and approved June 11, 1906, the Supreme Court, against most able and exhaustive arguments to the contrary, held that Congress might prescribe, as between an interstate carrier and such of its employes as are engaged in interstate commerce, the rule of liability of such company for the death or injury of any employe, while so engaged.[5]

The question how far this grant of power to Congress, particularly in respect of regulation of railway rates, impairs or modifies the authority of the states as to prescribing rates for carriage wholly within the state by interstate carriers has been much debated.

It seems to me quite obvious that if each state has this power, its exercise by all necessarily and directly affects the rates for interstate carriage.

It is not just to these carriers, nor in my judgment is it expedient, to attempt thus to control them by so many different authorities.

Ultimately, I venture to say, it will be perceived that such efforts are an invasion by the states of the field of national sovereignty, and, broadly speaking, the entire authority over this subject will, by common consent, be remitted to the general government.

[3] 94 U. S. 113.
[4] 118 U. S. 557.
[5] Howard *v.* Railroad Company, 207 U. S. 463.

If an example of the compendious and expansive nature attributed to a grant of Federal authority were to be sought, perhaps no more conspicuous instance could be found than the development of Federal legislation in respect of the post-office, which is all referable to the provision that Congress shall have power to establish post-offices and post-roads. Under this authority, Congress has established, among other things, an extended penal code.

When an effort was made in the Senate of the United States to secure the adoption of an act intended in a measure to exclude the products of child labor from interstate commerce, many lawyers in that body, of recognized ability, questioned the power of Congress thus substantially but indirectly to administer the power of internal police inherent in each sovereign state; but that is precisely what has been done for years by the Federal government under this grant of power to establish post-offices and post-roads.

Looking at it from a strictly Federal standpoint, without regard to the effect on the health, morals and welfare of the citizens of a state, the man who sends by the mail an indecent, immoral or fraudulent piece of mail, commits no different offense from him who thus transmits some innocent but prohibited article contrary to the postal laws, as, for instance, fluid or liquid in glass; yet the Federal courts are continually, under the guise of prosecuting offenders against the postal laws, exercising a power of police essentially local and which belongs inherently to the states. So it happens that frequently persons guilty of the grossest frauds and clearly subject to punishment under the criminal code of a state, are exempted from all prosecution by state authority, but yet severely and effectively punished under the postal laws of the United States; this is due to the efficiency and vigor with which the Federal laws are administered as compared with the laws of the several states. Indeed, Mr. E. H. Farrar, of New Orleans, in a vigorous and original paper which attracted wide attention, contends that under this power Congress may make all railways post-roads and then control and regulate them as it does now in respect of interstate business.

Senator Beveridge of Indiana delivered in the Senate, two years ago this month, an able and exhaustive address upon the evils of child labor in the United States. After apparently careful examination, he reached the conclusion that there were not less than one million children under sixteen years of age, some of them five, six and seven years of age, at work in the coal mines, factories and sweat-shops of this nation, and that there were over fifteen hundred thousand children engaged in other than agricultural labor. The

pitiful instances referred to in the remarks of the eloquent Senator, especially as they were substantiated by apparently unimpeachable evidence, of little children, some of them six, seven and eight years of age, many of them only ten and twelve, working in the most unsanitary conditions, in coal breakers, glass factories and cotton mills, and in poorly lighted, ill ventilated tenements from nine to twelve hours a day, many of them working at night instead of the day, are enough to satisfy any impartial reader that here is a great and terrible evil. It exists, more or less, in almost all parts of our country. It is national in character. It can only be adequately dealt with by national authority. If there be an economic advantage to those who thus crush out the child life of the republic, it is almost too much to expect a state where such practices prevail to deprive, by adequate law and efficient enforcement of that law, its citizens of that advantage while it is still retained by those domiciled in other states.

The bill offered by Senator Beveridge contemplated prohibiting carriers of interstate commerce from transporting, or accepting for transportation, the products of any factory or mine in which children under fourteen years of age were employed.

If the power of Congress to regulate commerce between the states be as JOHN MARSHALL declared it—plenary—and as absolute as in a single government not made up of sovereign states, I know of no restriction in the Constitution of the United States, upon this power, which would prevent Congress from legislating to this extent.

There is another important and engrossing subject now engaging popular attention—the regulation of trade combinations and attempted monopolies in production and distribution.

These combinations or consolidations operate very largely and extensively in almost every field. Among the largest and most familiar, commonly called "Trusts," are the Standard Oil, the United States Steel Corporation, the International Harvester Company, and the National Biscuit Company; they are all engaged on a colossal scale in the production and distribution of what may be regarded as articles of prime necessity. There is also said to be some kind of combination between the great packing interests which supply the meat food of the world.

The operations of these great interests cover not merely the entire country, but to some extent the world, as well.

No state nor group of states can adequately control nor regulate them if they are evil. If much in their management and control demands regulation, the situation can only be met by the exercise

of national authority. The nation has entered this field, and the Sherman Anti-Trust Act of 1890 has attempted to deal with this subject. It is true the results accomplished by the exercise of national power under this act are not impressive. In fact they seem to be quite insignificant and barren. But this is due not I think to the fact that the nation has attempted what the several states could better accomplish, but rather to the inherent difficulty of controlling by law such trade combination. The problems presented by these efforts at centralization of production and distribution are economic and not governmental or political. It is, I think, idle to attempt to resist the inexorable laws of trade and commerce operating in every direction throughout our society, which tend to compel and justify centralization and consolidation as efficient and economically sound. Too much must not be expected from government. The genius of American institutions and of American society is aptly typified by the colossal Statue of Liberty, with her torch enlightening the world, standing at the entrance to the harbor of our great metropolis.

Our unparalleled material prosperity has been justly attributed in no small measure to the freedom of trade existing within our borders, so largely secured by the commerce clause of the Constitution which interdicted action by the states, and by the moderation of Congress in exercising its power in this field.

The idea that the way to promote freedom of trade is to impose numerous restrictions by the strong hand of governmental power is fundamentally erroneous. The restraints imposed by our organic law are aimed at governmental action. Those who founded our government believed, and rightly, that in the activities of individuals, either singly or in combination, there was nothing of danger to society requiring constitutional provision.

A great political philosopher has well said:

"Liberty, too, must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist; for liberty is a good to be improved, and not an evil to be lessened."[6]

A great American lawyer and statesman expressed a similar idea in compact and felicitous language:

"It is no part of the duty of a state to coerce the individual man except so far as his conduct may injuriously affect others, not remotely or consequently, but by direct invasion of those rights

[6] Edmund Burke, 2 Works 229.

which are guaranteed by law and which the law must therefore recognize and protect."[7]

It has always been supposed that the common law was peculiarly adapted to the institutions of free government, in that it recognized and followed the customs of the people, the courts ascertaining and giving judicial sanction to these customs.

Upon this general subject, a distinguished Judge of my own state, many years ago, made these just observations:

"Commerce cannot require anything which is unreasonable and unjust; but what experience shows that her convenience does require, that she will have, for it will be still adhered to by the common consent of the commercial world; and if the courts should refuse to enforce it with the few who refuse to conform to such a general custom, the moral sense of commercial men will apply its still more coercive influence, which few will withstand."

Certainly trusts should not be permitted, any more than corporations or individuals, to violate the criminal law applicable to all persons.

In my judgment the time has not arrived, and I doubt whether it will ever come, when these combinations can maintain themselves, unless, on the whole, they give more for less money to the consumer than he can otherwise secure. But if that time ever does come, then there is but one effective remedy, and that is the same that government now endeavors to apply to railways, namely: to regulate rates. Whenever one interest has a monopoly, possibly even before, the same principles of law which sustain the power of government to prescribe rates to be charged by a common carrier will warrant the government in fixing the price at which the product of monopoly must be sold. Of course, if it appear in the meantime that such trade combinations and monopolies are favored or promoted by tariff, or other laws, these should be modified so as to eliminate this feature.

I am unwilling to believe that the methods by which the constantly increasing business of this country has been developed require repression and suppression. I do not believe that the men who carry on that business should be compelled to do so under constant and resounding threats of criminal visitation and in the shadow of the penitentiary.

Those who are interested in studying the results of such efforts, under the Sherman Law, will find considerable information on the subject in an address delivered before the Illinois State Bar Asso-

[7] Samuel J. Tilden.

ciation on June 26th, 1908, by the Honorable Charles E. Littlefield of Maine.

I have ventured rather as a digression to give my views on this important topic, although I am aware that they do not seem to be shared, judging at least by public expression, by very many others.

But if these views are not sound, if governmental authority must be exercised to repress and control these combinations, if indeed they are evil, then they constitute a national and not a local peril, and can only be adequately controlled by the strong arm of national power. Many circumstances combine to increase in such an extended field the efficiency of national administration over that of the governments of the several states.

In our country the people rule. Like other rulers, they sometimes make mistakes; their agents are not always loyal and honest, and their purposes are sometimes defeated. But they rule after a fashion, and very largely through popular opinion. It is perhaps an unexpected but nevertheless an indubitable fact, in the working of our governmental system, that local popular attention and interest are more easily stimulated and aroused in matters of national than in matters of state concern. This is well illustrated in the fact that as a rule the full popular vote only comes out at a Presidential election. The people seem to be especially concerned with national questions.

The President is, in a large sense, our ruler. He lives constantly in the public eye. The masses of our people feel a sort of personal acquaintance with him, and hold him to a large responsibility for the conduct of government. Perhaps this was never truer than it is today. So when he acts, supported by the popular approval of over eighty millions of people, this is far more impressive than any demonstration by a single state.

Of course there are dangers that exist in committing extensive powers to national authority, particularly where they are to be largely exercised by the Executive. Power wherever reposed may be abused.

The danger of such abuse by the Federal Judiciary, notwithstanding the apprehensions of Mr. Jefferson, is so slight as to hardly be worth serious consideration.

The authority and jurisdiction of all Federal tribunals, inferior to the Supreme Court, are precisely what Congress sees fit to commit to them. They can therefore readily be shorn of any power which they exercise in obnoxious fashion.

No lawyer would wish to see the Supreme Court of the United

States deprived of the least of its powers. The manner in which that exalted tribunal has met its great responsibilities, from the foundation of our government down to the present day, has not only commanded the confidence and respect of the people of this nation, but has excited the admiration of the civilized world.

While the present Congress has lately been attempting to assert its dignity and vindicate itself from some supposed aspersions emanating from the Executive, there is nothing in its performance to excite apprehension as to the danger of tyranny from the legislative branch. Nor does history warrant the belief that liberty is in danger from bodies thus constituted.

Just at present we have in the White House a striking and picturesque character; a reformer, a rough rider, a champion of foot ball, a literary man and author, an expert boxer, a skillful tennis player, a man of indomitable energy, courage and enthusiasm, impulsive and, some say, head-strong.

When we reflect upon the great achievements that have marked his administration, it is not to be wondered at that the people approve them without too close a scrutiny of the questions of law involved.

When, as winter was coming on, and a great strike was pending in the anthracite coal fields, by the exercise of a kind of extra official power, the President adjusted the differences between the operators and the miners and averted a coal famine, many who are much concerned about any invasion of property rights, and many lawyers were disposed to criticize, but the people approved.

When, by a striking and brilliant coup, he made it possible for this country to build the Panama Canal, and inaugurated that great enterprise, many of the ablest lawyers, and some of the best people of this country, felt that he had acted not only illegally, but unjustly. In fact, some of his friends were disposed to say that the course of our government in this matter could only be justified on the principle announced by an English minister, interrogated in the House as to something the government had done in India. He said: that it could only be defended as a salutary and necessary piece of rascality.

The people, however, were not troubled with such doubts. They simply saw a great international waterway, in the construction of which this country was vitally interested, thus made possible and actually entered upon.

When in brilliant, and possibly spectacular, fashion he participated in the arrangements which terminated the war between Japan and Russia, some of his critics charged that he was "playing to the galleries." But the masses of the people felt that, if even to the

least degree, he thus hastened the termination of a terrible war and its attendant horrors of death, suffering and devastation, he had acted wisely and well and with the highest and truest philanthropy.

It may be conceded that the present Executive does not always express himself with that moderation and self-restraint which is perhaps becoming in the Chief Magistrate of this mighty nation. I have sometimes thought, and I venture to say it in an assemblage of lawyers, that possibly this is due to the fact that he is not a lawyer.

When, in a recent message to Congress, he denounced certain individuals for writing lying, scurrilous and libelous articles, declaring that such was the character of the articles in question; and his own brother-in-law and the brother of the President-Elect having been thus libeled, in reference to governmental action touching the Panama Canal purchase, insisted that this was in fact a libel upon the United States; that its responsible author should be prosecuted for libel by the government, and that the Attorney-General had under consideration the form in which the proceedings against the defendant should be brought; this fulmination was calculated to make the judicious grieve.

In the profession, we at once think of the reign of George III, and his effort to terrorize those who criticised the government, by criminal prosecutions for seditious libels; and I hope we all remember with gratitude the invaluable service rendered by CAMDEN, when Chief Justice of the Common Pleas, and afterwards in carrying through the House of Lords Fox's Libel Bill, and thus in such large measure securing freedom of speech and of the press in England; and the way this was secured was simply by leaving to a jury of twelve men the question of the guilt or innocence of the accused; a fact not without importance today.

I say what I have on this subject in the fullest conviction that the charges referred to were wholly baseless and obviously libelous.

Undoubtedly the President does not fully appreciate the great responsibility which attaches to his utterances, and the crushing weight with which they fall upon the devoted head of some private citizen who has incurred his displeasure; and he is too obviously influenced, on some occasions, by personal rather than public and official considerations.

It is sometimes said that the best illustration of a fine and noble nature is to be found in the manner in which great power is exercised.

It is not pleasant for a private citizen who comes in conflict with the President of the United States to be denounced from one end of

the country to the other as a wilful liar, and there is no doubt that the present Executive may justly be criticised for some intemperance of expression in this regard.

It seems true, too, that the high traditions which have attended upon the great office which he holds have rather suffered in these particulars during his incumbency.

As to his criticism of the action of the courts in concrete instances, it can not be defended before any body of intelligent lawyers; coming as it has from the Executive who appoints the Judges, it is most unfortunate, and is, I believe, sincerely deprecated by the President's best friends.

I think on the whole we may say that Mr. Roosevelt's administration has illustrated, in a marked degree, both the value and importance of reposing extensive powers in the national government and the dangers that may perhaps attend upon this.

Undoubtedly where power is reposed it will be exercised, and the love of power grows. Chesterfield has well said: "There have been misers of money but none of power."

But after all that has been said, and that justly can be said in criticism of him, I firmly believe that Theodore Roosevelt enjoys today a larger measure of popular confidence than any other public man in the United States; and not unjustly so.

He has reinspired and revitalized our national ideals; he has been an important—perhaps the leading—factor in regenerating our political life. In standing for honesty, integrity and loyalty in public service, his power comes not alone from his office, not alone from his undoubted and marked abilities, but as well from that cordial popular support which has come to him as a genuine response to the advocacy of those things which lie close to the heart of the American people, and in which they believe with a political faith almost religious.

They knew before he told them that great abuses had existed in government; that public servants were sometimes disloyal; that men high in the councils of the nation were sometimes unfaithful to the great trusts confided to them; that wealth and power sometimes claimed too much from government; and, notwithstanding the extravagance and impulsiveness and sometimes the lack of discretion with which these great evils have been attacked, the people felt and still feel that in this great crusade for political righteousness, Mr. Roosevelt has been their faithful champion; that he has fought their battles with undeviating loyalty and unflinching courage; and has never relaxed his determination to correct these abuses and

maintain in every department of the public service the highest standards of honesty, efficiency and devotion to duty.

He will take with him in his retirement from his high office the confidence and grateful appreciation of men of all parties; and he leaves a record of accomplishment under trying conditions and in an eventful epoch such as might well satisfy the loftiest ambitions of a lover of his country and mankind.

And what a country is ours, glorious in its history, wonderful in its achievement, transcendent in its future. I know it is the fashion among some foreign critics to sneer at our aspirations, to point out unsparingly our faults and gloomily to prognosticate our future. We have recently been derided by a brilliant Irishman as a nation of villagers; there is some possible basis for this aspersion.

An English man of letters, writing of us in pessimistic vein, says: "The English Colonies have produced no great artists; and that fact may prove that they are still full of silent possibilities and reserve force. But America has produced great artists, and that fact most certainly proves that she is full of a fine futility and the end of all things. * * * No; the Colonies have not spoken, and they are safe. Their silence may be the silence of the unborn. But out of America has come a sweet and startling cry, as unmistakable as the cry of a dying man."

I do not know exactly what Mr. Chesterfield means. Indeed, I can hardly recall the names of the great artists that we have produced, if we employ the term in its conventional sense. But who can ever forget the wizards of the mine, the mill, the field, the rail and the wire, the artificers of the steam engine, the telegraph, the telephone, the harvester, the air-brake and the Pullman car? Who will not remember the discovery of anesthesia, of the varied and countless applications of steam and electricity to the service of mankind?

I do not even refer to our achievements in government, unique and singular, which have secured, with stability and social order, that large degree of individual liberty that makes all human progress and achievement possible.

And with our progress has come in larger and increasing measure a spirit of humanity and fraternal regard for others. No longer does man ask: "Am I my brother's keeper?" He knows that he is; and hence we have our system of schools and our great and constantly growing educational and charitable foundations—those endowed by private benevolence, as well as those established and maintained by public authority. No, we are a young and not an old nor dying nation.

We look forward, not in a spirit of boastfulness, but with a confidence based upon the glorious past. We have much to do; and under the Providence of God we propose to accomplish it.

The bitter cry of the children shall not go unheeded; the abuses of power shall not remain unchecked; the complaint of the weak and the humble shall not be unheard. The standards of public and national morality shall not be lowered.

And in so far as National power is demanded to meet these ends, it will be found in the ample repository of the Federal Constitution, that great instrument framed and adopted not for one age and generation but for all time.

Let us not take counsel of doubt and fear, nor permit the withering blight of a mistaken conservatism, professional or otherwise, to paralyze the forces that make for righteousness.

We of all nations may justly feel the truth of the poet's noble lines; an epitome of the past, an inspiration for the future.

"I doubt not through the ages
One increasing purpose runs,
And the thoughts of men are widened,
With the process of the suns."

S. S. GREGORY.

CHICAGO, ILLINOIS.